

THE INSURANCE CODE OF 1956 (EXCERPT)
Act 218 of 1956

500.3407b Undergoing genetic testing as condition of issuing, renewing, or continuing policy or certificate; disclosure of genetic testing or genetic information; prohibitions; “genetic information” and “genetic test” defined.

Sec. 3407b. (1) An expense-incurred hospital, medical, or surgical policy or certificate delivered, issued for delivery, or renewed in this state shall not require an insured or his or her dependent or an asymptomatic applicant for insurance or his or her asymptomatic dependent to do either of the following:

(a) Undergo genetic testing before issuing, renewing, or continuing the policy or certificate in this state.

(b) Disclose whether genetic testing has been conducted or the results of genetic testing or genetic information.

(2) This section does not prohibit an insurer from requiring an applicant for an expense-incurred hospital, medical, or surgical policy or certificate to answer questions concerning family history.

(3) As used in this section:

(a) “Clinical purposes” includes all of the following:

(i) Predicted risk of diseases.

(ii) Identifying carriers for single-gene disorders.

(iii) Establishing prenatal and clinical diagnosis or prognosis.

(iv) Prenatal, newborn, and other carrier screening, as well as testing in high-risk families.

(v) Tests for metabolites if undertaken with high probability that an excess or deficiency of the metabolite indicates or suggests the presence of heritable mutations in single genes.

(vi) Other tests if their intended purpose is diagnosis of a presymptomatic genetic condition.

(b) “Genetic information” means information about a gene, gene product, or inherited characteristic derived from a genetic test.

(c) “Genetic test” means the analysis of human DNA, RNA, chromosomes, and those proteins and metabolites used to detect heritable or somatic disease-related genotypes or karyotypes for clinical purposes. A genetic test must be generally accepted in the scientific and medical communities as being specifically determinative for the presence, absence, or mutation of a gene or chromosome in order to qualify under this definition. Genetic test does not include a routine physical examination or a routine analysis, including, but not limited to, a chemical analysis, of body fluids, unless conducted specifically to determine the presence, absence, or mutation of a gene or chromosome.

History: Add. 2000, Act 27, Imd. Eff. Mar. 15, 2000.

Popular name: Act 218